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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by France Libertés : Fondation Danielle Mitterrand, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Shale gas: abuse and human rights violations in Pungeşti, Romania

In 2013, in the village of Pungeşti, in the south-east of Romania, many fundamental rights were trampled on several occasions. The violated rights are enshrined in the Universal Declaration of Human Rights[1] (articles 13, 19, 20), in the International Convenant on Civil and Political Rights[2] (articles 12, 19 et 25[3]) and in Principle 10 of the Rio Declaration from1992[4], namely the right to freedom of movement, the right to freedom of opinion and expression, the right to freedom of assembly and the rights of access to information and public participation in decision-making.

Moreover, the right to safe drinking water and sanitation, recognized by UN General Assembly resolution 64/692 as "a human right that is essential for the full enjoyment of life and all human rights"[5], the right to health[6], the right to food[7] and the right to a healthy environnement[8] are equally imperilled. Therefore, article 3 of the Universal Declaration of Human Rights that stipulates that "everyone has the right to life, liberty and security of person" is at equal risk of being violated.

The territory of the commune of Pungeşti, inhabited mainly by farmers who survive from agriculture and farmed animals, was chosen by Chevron, the second bigges: American oil company, to explore the shale gas deposits with the view to a future installation of a forage platform allowing hydraulic fracturing. This choice, supported by the Romanian government, was peacefully but strongly contested[9] by the villagers of this small hamlet and by other Romanian citizens.

The great concern of those opposed to Chevron's project is not so much the shale gas extraction itself, but rather the very controversial technique that is hydraulic fracturing. This technique, which is forbidden in France and Bulgaria and is put under a moratorium in Germany and Holland, to mention just a few, involves injecting at a high pressure a fluid composed of large water quantities (8000 to 20000 m3) and many chemical substances into the parent-rock, which contains the shale gas.

The experience gained, especially in the United States, and several scientific studies have underlined the environmental risks of production of these unconventional hydrocarbons and, *a fortiori,* the health risks: impact on the quantity of water resources, contamination of the groundwater, the release of methane into the atmosphere, etc[10].

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[1] See the link: http://www.un.org/fr/documents/udhr/.

[2] See the link: http://www.ohchr.org/FR/ProfessionalInterest/Pages/CCPR.aspx.

[3] Which is not limited to the right to vote; see point 8 of the General observation no. 25 of the Human Rights Council http://www1.umn.edu/humanrts/gencomm/french/f-HRC-comment25.htm

[4] See the link: http://www.un.org/french/events/rio92/rio-fp.htm.

[5] UN General Assembly resolution A/RES/64/292 and Human Rights Council resolution A/HRC/RES/15/9.

[6] Art.12 of the International Covenant on Economic, Social and Cultural Rights, available here: http://www.ohchr.org/FR/ProfessionalInterest/Pages/CESCR.aspx.

[7] General observation No. 12 of the Committee of Economic, Social and Cultural Rights, E/C.12/1999/5, available here: http://daccess-ods.un.org/TMP/3843591.80927277.html.

[8] Resolution A/HRC/25/L.31.

[9] See the link from min. 2" – 12" : http://info.arte.tv/fr/videos?id=03027346300000.

[10] See the links: http://www.psehealthyenergy.org/data/Bamberger_Oswald_NS22_in_press.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Solid-Earth-Observations-of-static-Coulomb-stress-triggering-of-the-November-2011-M5.7-Oklahoma-earthquake-sequence.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Estrogen-and-Androgen-Receptor-Activities-of-Hydraulic-Fracturing-Chemicals-and-Surface-and-Ground-Water-in-a-Drilling-Dense-Region.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Natural-Gas-Operations-from-a-Public-Health-Perspective.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Human-health-risk-assessment-of-air-emissions-from-development-of-unconventional-natural-gas-resources.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Impacts-of-Shale-Gas-Wastewater-Disposal-on-Water-Quality-in-Western-Pennsylvania.pdf; http://stopfracturare.ro/wp-

The human rights violations by the Romanian authorities at Pungeşti have been reported from the 4th of October 2013, the day when the American giant obtained the permits to build shale gas exploration probes in Pungeşti. Chevron encountered the peaceful opposition of the inhabitants and of the activists that came from all over the country to block the access of the trucks to the exploration site - 1.92 hectares of land, which was leased to the company by the mayor of Pungeşti, without consulting, nor informing the villagers. As a result, nowadays the mayor is under investigation for misuse of power and forgery of documents, crimes that are related to this renting of land[11].
Thus, starting from the 4th of October 2013, the opponents organized a series of peaceful events in order to prevent Chevron to gain access to the exploration site: non-violent protests[12], installation of a camp on the private property of the land-owner which previously agreed, blocking of roads to obstruct the trucks' access, etc. The resistance movement rapidly increased in scale and the villagers from Pungeşti were supported by numerous inhabitants of the surrounding areas.

The acts of violence perpetrated by the Romanian authorities peaked on several occasions. On the 16th of October 2013, two hundred gendarmes forcibly dispersed about five hundred people who were blocking the road, people among who there were also elders and children. Five people were hospitalized after the confrontation[13]. The 2nd of December 2013, when Chevron decided to continue its activity, at dusk, the police forces illegally and forcibly evicted the camp[14]. The riot police, trespassing private property without a warrant and wearing battle gear, used violence and intimidations, made arbitrary arrests, gave unjustified fines and desecrated the right to private property[15]. It should also be reminded that the journalists were kept away from the area[16].

The 7th of December 2013 was another day of notable violence[17]. The camp was completely evicted and destroyed by the gendarmes, the roads were blocked again and the Minister of Internal Affairs declared the area as a "special security area"[18], which meant that all the movement in that region was restricted, so that even the people who lived there – who

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content/uploads/2014/03/Methane-contamination-of-drinking-water-accompanying-gas-well-drilling-and-hydraulic-fracturing.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Increased-stray-gas-abundance-in-a-subset-of-drinking-water-wells-near-Marcellus-shale-gas-extraction.pdf; http://documents.foodandwaterwatch.org/doc/FrackingCrisisEU.pdf.

[11] See the link: http://www.mediafax.ro/social/primarul-din-pungesti-spune-ca-terenul-pentru-care-este-cercetat-a-fost-obtinut-foarte-legal-12121924.

[12] See the link: http://www.goodplanet.info/actualite/2013/10/17/roumanie-village-en-revolte-contre-chevron-les-gaz-schiste/.

[13] See the links: http://www.mediafax.ro/social/explorarea-gazelor-de-sist-de-catre-chevron-blocata-de-protestele-satenilor-din-vaslui-jandarmii-au-intervenit-11523167; http://adevarul.ro/locale/vaslui/protest-lant-uman-pungesti-chevron-1_525e7812c7b855ff5643713b/index.html#.

[14] See the links: http://www.goodplanet.info/actualite/2013/12/02/roumanie-intervention-des-gendarmes-contre-des-opposants-aux-gaz-de-schiste/; https://www.youtube.com/watch?v=ve_BLQ9uUYI; https://www.youtube.com/watch?v=wej8NsgUoQw; http://www.romandie.com/news/n/_Roumanie_intervention_en_force_des_gendarmes_contre_des_opposants_aux_gaz_de_schiste74021220130648.asp; http://www.vrn.ro/chevron-si-jandarmeria-au-pornit-in-toiul-noptii-un-nou-asalt-la-pungesti.

[15] See the villagers' testimonies of events: https://www.youtube.com/watch?v=VVMM_mPMb8g – subtitled in English and French.

[16] See the link: https://www.youtube.com/watch?v=iP6UG2yqhKc.

[17] See the links: http://www.foeeurope.org/Solidarity-with-Punge%C5%9Fti-071213; https://www.youtube.com/watch?feature=player_embedded&v=dpc1xVHs44Q;https://www.youtube.com/watch?v=mXnaLi4alkU; https://www.youtube.com/watch?v=JtgGSFd1kdk; https://www.youtube.com/watch?v=nOVihxpNI5M; http://www.reporterre.net/spip.php?article5119; http://www.longtailpipe.com/2013/12/video-reports-from-anti-hydraulic.html; http://revolution-news.com/villagers-from-pungesti-stop-chevron-fracking-again-riot-police-unleash-terror-at-night-in-retaliation/.

[18] See the links: http://www.goodplanet.info/actualite/2013/12/09/roumanie-chevron-reprend-ses-activites-dans-les-gaz-de-schiste/; http://www.hotnews.ro/stiri-esential-16158488-localnicii-din-pungesti-mobilizeaza-pentru-nou-protest-dupa-chevron-anuntat-duminica-dimineata-reluarea-lucrarilor.htm;

were not officially informed about that – couldn't move freely anymore[19]. Moreover, several protesters were criminally prosecuted[20].

The Association for the Defense of Human Rights in Romania – Helsinki Committee (APADOR-CH), a renowned NGO, wrote a report[21] and an open letter[22] in which the Romanian government is accused of having violated fundamental rights that are also recognized by the Romanian Constitution: the freedom of movement (art. 25), the freedom of expression (art. 30), the right to information (art. 31) and the freedom of assembly (art. 39).
In December 2013, several European Parliament members denounced the abuses made by the Romanian police[23].
There are other places, like Puieşti and Moşna[24], where shale gas exploration was also linked to forms of abuse. The civil society tries to stay informed and to monitor the events that take place in Romania, in order to expose and hopefully prevent potential abuse[25].

Our organisations call on:

- the Special Rapporteur on the situation of human rights defenders
- the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
- the independent expert on human rights and the environment
- the Special Rapporteur on the human right to safe drinking water and sanitation
- the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

to turn their attention to the situation in Pungeşti, the serious violations of human rights which have already occurred and those which would undoubtedly happen if the shale gas exploitation were to start.

Concerned by this dramatic situation, we ask the Romanian state to respect its commitments regarding human rights, to stop any form of abuse and also to find and punish, according to the law, all those people that perpetrated human rights violations.

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http://adevarul.ro/locale/vaslui/video-comuna-pungesti-declarata-zona-speciala-siguranta-publica-1_52a46389c7b855ff568bb1f6/index.html.

[19] See the links: https://www.foeeurope.org/sites/default/files/20140131114817186.pdf; http://www.lemonde.fr/planete/article/2013/12/23/pungesti-le-village-roumain-qui-resiste-au-gaz-de-schiste_4338946_3244.html; http://epochtimes-romania.com/news/remus-cernea-la-pungesti-oamenii-sunt-umiliti-si-terorizati-de-autoritatile-statului---208701.

[20] See the links: http://frackoffromania.wordpress.com/2013/12/24/37-protestors-from-pungesti-risk-two-to-seven-years-of-imprisionment/; http://www.digi24.ro/Stiri/Digi24/Actualitate/Justitie/Urmarire+penala+37+protestatari+7+decembrie+Pungesti.

[21] See the links: http://www.theecologist.org/News/news_round_up/2214907/pungesti_villagers_living_in_terror_of_police_violence.html; http://www.apador.org/raport-privind-evenimentele-recente-din-comuna-pungeti-2/.

[22] See the link: http://www.apador.org/scrisoare-deschis-despre-abuzurile-de-la-pungeti-2/ in collaboration with other NGOs.

[23] See the links: http://jose-bove.eu/Lettre-ouverte-en-solidarite-avec?lang=fr; http://www.greens-efa.eu/fr/fracking-in-romania-11314.html.

[24] See the links: http://www.channel4.com/news/fracking-romania-protests-pungesti-chevron-victor-ponta; http://www.neuerweg.ro/shale-gas-in-romania-victory-over-illegally-working-exploration-company/; http://www.vrn.ro/chevron-deschide-al-doilea-front-la-puiesti.

[25] See the links: https://frackoffromania.wordpress.com/; http://www.gazedesist.ro/; http://farafracturare.ro/; http://stopfracturare.ro/.